

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 24, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

GABRIEL B.,¹

Plaintiff,

v.

KILOLO KIJAKAZI, Acting
Commissioner of Social Security,

Defendant.

No. 4:20-cv-5177-EFS

**ORDER GRANTING THE PARTIES'
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C.
§ 405(g)**

On January 5, 2022, the parties filed a Stipulated Motion for Remand. ECF No. 31. The parties agree that the matter should be reversed and remanded to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings as set forth below. The parties also agree that Plaintiff is entitled to reasonable attorney fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), upon proper request to the Court.

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¹ For privacy reasons, the Court refers to every social security plaintiff by first name and last initial or by "Plaintiff." See LCivR 5.2(c).

Consistent with the parties' agreement, **IT IS HEREBY ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 31**, is
GRANTED.

2. Judgment shall be entered for **Plaintiff**.

3. This matter is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Appeals Council is to instruct the ALJ to:

- Evaluate the opinion evidence, including the opinions of Dr. Marks and Nurse Pitt.
- Proceed with the sequential evaluation process and evaluate Plaintiff's impairments, including drug abuse and alcoholism, in accordance with Social Security Ruling 13-2p.
- Obtain evidence from a vocational expert as needed to evaluate Plaintiff's claim at steps four and five.

4. All pending motions are **DENIED AS MOOT**.

5. All hearings and other deadlines are **STRICKEN**.

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1 6. If filed, the Court will consider Plaintiff's motion for fees and
2 expenses under the Equal Access to Justice Act.

3 7. The Clerk's Office is directed to **CLOSE** this file.

4 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order
5 and provide copies to all counsel.

6 **DATED** this 24th day of January 2022.

7 s/Edward F. Shea
8 _____
 EDWARD F. SHEA
 Senior United States District Judge